REMARKS/ARGUMENTS

The Office Action of July 6, 2007, has been reviewed, and in view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Claims 1-18 and 45-59 are pending. Claims 19-44 and 60-62 are canceled.

I.   Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-18 and 45-59 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application No. 1001/0032139 to Debonnett ("Debonnett").

A.   The Disclosure of Debonnett is Not Fully Supported by the Provisional Filing

The Office Action relies on the disclosure of Debonnett to reject all the pending claims. However, the disclosure relied upon by the Office Action is not fully supported by the Provisional Filing - Application Serial No. 60/168,888, filed December 3, 1999. Accordingly, the filing date of November 30, 2000 of the utility application should be attributed to Debonnett's disclosure relied upon by the Office Action. However, the present application claims priority to a provisional application - 60/182,469, filed February 15, 2000 - and the claimed inventions are fully supported by the earlier filing date. Accordingly, as the Debonnett disclosure relied upon by the Examiner has an effective filing date of November 30, 2000 while the present application has an earlier effective filing date of February 15, 2000, Applicants submit that Debonnett is not proper prior art and should be withdrawn.

More specifically, the Office Action on page 3 alleges without any argument, explanation

or analysis that paragraph 25[1] of Debonnett discloses the following claim elements:

> "and a provider bank (merchant bank) environment established
> within the provider bank, the provider bank comprising:
> a provider bank environment processor coupled to the client bank
> environment processor and coupled to a low value payment system
> in the particular country, the provider bank environment processor
> receiving the low value payment from the client bank processor
> and transmitting the low value payment to the low value payment
> system in the particular country, whereby the particular customer
> of the client bank can make the low value payment even though the
> client bank does not have direct access to the low value payment
> system in the particular country."

Paragraph 25 of Debonnett recites:

> [a]ccording to back-office settlement procedures jointly prescribed
> by the network, customer commercial/investment bank and
> merchant commercial investment bank, account reconciliation and
> settlement whereby customer account 2J is debited 2I and
> merchant account 2L is credited 2K. Examples of various web
> merchants or exchange markets such as automobile 2M, gasoline
> 2N, hotel and hospitality 2O, travel 2P and dining 2Q, are some
> of the many merchant/eBusinesses that would benefit from this
> invention process.

Applicants have reviewed Debonnett's U.S. Provisional Patent Application, 60/168,888 for

support for "back-office settlement procedures jointly prescribed by the network" and have

found none. Furthermore, Debonnett's U.S. Provisional Patent Application, 60/168,888 provides

support for only online merchants and not for "exchange markets such as automobile 2M,

gasoline 2N, hotel and hospitality 2O, travel 2P and dining 2Q, are some of the many

merchant[s]." In particular, the page of the provisional application (labeled 11 International

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[1] Office Action quotes the following elements of claim 1 and then states "(see paras 0025-". The citation ends without an ending paragraph number. However, many of the paragraphs following paragraph 25 are similarly without support in the provisional application. For example, Figures 3-7 are not supported by the earlier provisional application.

CYBERBANQUE, LTD BUSINESS CASE) states explicitly "[t]he Company proposes creation of a system of online CyberMoney™ accounts, **used solely online, for goods and services purchased, viewed and delivered online**, throughout the world." (page 4 of provisional, emphasis added). Furthermore, there are statements throughout the provisional application emphasizing online e-commerce, such as in the Corporate Strategy section on page 7 ("[t]his relationship will fulfill a great opportunity and need of investment banking clients to utilize cash management and brokerage accounts for payment of goods and services over the Internet.") Additionally, the advantages section on page 11 of the provisional espouses the advantages of Internet e-commerce. Clearly the provisional application of Debonnett is directed towards online merchant transactions and not merchants or "exchange markets such as automobile 2M, gasoline 2N, hotel and hospitality 2O, travel 2P and dining 2Q," as recited in paragraph 25 of the later filed utility application.

Accordingly, the disclosure relied upon by the office action is limited to the later filing date of the utility application in which it is contained. Moreover, the figures of Debonnett relied upon by the Office Action are also similarly not supported by the earlier provisional filing. More importantly, the disclosure relied upon by the office action does not support at least the claim limitations reciting "a provider bank (merchant bank) environment established within the provider bank, ..., whereby the particular customer of the client bank can make the low value payment *even though the client bank does not have direct access to the low value payment system in the particular country*." (emphasis added).

In contrast, claim 1 finds support in the present application's provisional application at least at pages 5, 9, 11, 27, 28, 31, 33-40, 55-60, 62-63, 65-75, 84-86, 103, 118, 136, 139 and 141-151. Thus, since the Office Action must rely on Debonnett's utility application filing date

of November 30, 2000 which is **after** the U.S. Provisional Patent Application, 60/182,469, filed

February 15, 2000, to which the present application claims priority, the 35 U.S.C. 103(a)

rejection of claims 1-18 and 45-59 relying on Debonnett is improper and should be withdrawn.

As the remaining dependent claims encompass the limitations of independent claims,

these claims should be allowed for at least the reasons stated above. Furthermore, the dependent

claims contain further elements, which are separately patentable and are not addressed by

Debonnett. For example, Debonnett makes no mention of account balance sweeping, target

balance sweeping, account pooling and liquidity management, nor does the Office Action

address them.

B.   The Rejections Under 35 U.S.C. § 103 are Improper

Even if Debonnett could be applied as prior art, which Applicants maintain is improper,

the rejections of the pending claims fail for at least the following reasons.

Debonnett appears to be directed to a system for Internet based payments, e.g.,

Cybermoney network. *See* Abstract. Debonnett's system purports to be predicated on an

agnostic demand deposit and cash management account connectivity interface for payment and

settlement of goods and services purchased over the Internet. *Id.* The network interface of

Debonnett purports to provide for seamless connection to commercial/investment bank checking,

savings, merchant or cash management accounts for payment. *Id.* As further illustrated by

Figure 2 of Debonnett, customer 2C makes a transaction to buy goods from an Internet merchant.

See paragraph [0024] of Debonnett. Further, according to back-office settlement procedures,

customer account 2J is debited 2I and merchant account 2L is credited 2K. *See* paragraph [0025]

of Debonnett.

12

Missing from the disclosure of Debonnett is any discussion directed to the various embodiments of the claimed invention. More specifically, Debonnett fails to disclose a system by which a provider bank effectuates international banking transactions for a plurality of customers of a client bank. An exemplary embodiment of the claimed invention is illustrated in Figure 2 of the instant application. For example, Figure 2 of Applicants' disclosure illustrates a client bank subsystem 122 is established within a provider bank 120 comprising a plurality of customer accounts 205 corresponding to the plurality of customers of the client bank 100, and a client bank subsystem processor 200 coupled to the plurality of accounts 205 and coupled to the client bank 100; and a provider bank subsystem 124 established within the provider bank 120, as supported by Figure 2 of the instant application. As supported by the specification of the instant application, the client bank 100 may be a smaller local bank without any infrastructure for providing its customers with international banking services, according to one exemplary embodiment of the present invention. *See* paragraph [0022]. The claimed architecture is simply missing from the disclosure of Debonnett and the Office Action fails to address these missing claim limitations.

Furthermore, Debonnett is directed towards a" business method for ... commercial banks, investment banks and online brokerage customers; thus, creating a global Internet transaction payment solution for direct and seamless Demand Deposit Account(DDA)/Cash Management Account(CMA) connectivity interface for Business-to-Business(B2B), Business-to-Consumer(B2C) or Business-to-Exchange(B2E) purchases via the INTERNET." *See* paragraph [0005]. Debonnett, appears to disclose payment for purchases made over the Internet, and does not disclose a system or method "by which a provider bank effectuates international banking transactions for a plurality of customers of a client bank," as required by the claims. There is no

disclosure in Debonnett of a provider bank effectuating transactions for customers of client bank.

At best, Debonnett discloses payment between two entities for a purchase via the Internet, and

not a provider bank (one entity) effectuating international banking transactions for customers

(third entity) of a client bank (second entity). The Examiner's rejection cites paragraphs 41 and

42 to allegedly address these limitations. Paragraphs 41 and 42 recite the following:

> The seamless network topology enhances the customer experience
> within business-to-business transactions between merchant supply
> chains 6G and **web merchants** 2F, as well as business-to-
> consumer transactions between **web merchants** 2F and consumers
> 6H.
>
> FIG. 7 represents the global banking syndication method for
> distributing network connectivity.
> Debonnett, paragraphs 41-42 (emphasis added)

Clearly, the limited disclosure provided by paragraphs 41 and 42 fails to address the architecture

recited by the claims.

The Office Action purportedly rejects the pending claims under 35 U.S.C. § 103(a) as

being allegedly unpatentable over Debonnett. However, the Office Action fails to apply the

proper analysis as required by the MPEP.

By applying Debonnett under 35 U.S.C. § 103(a), the Office Action recognizes that there

are deficiencies in the applied reference. However, the Office Action fails to identify the

missing claim limitations of Debonnett and makes no mention or any attempt to provide a

statement of motivation, as required for a proper rejection under obviousness. Accordingly, as

no motivation is provided by the Office Action, it can only be inferred that no motivation to

modify Debonnett exists nor would one skilled in the art have been motivated to modify

Debonnett to meet the combination of claim limitations set forth by Applicants. Therefore, the

Office Action has clearly failed to meet its burden.

II.   Applicants Respectfully Request Acknowledgement of Information Disclosure Statement

An Information Disclosure Statement and accompanying PTO-1449 form were filed on December 12, 2005. There is presently only an indication that the Examiner considered the references identified on page 1 of that Information Disclosure Statement. Applicants note that pages two through seven were not initialed. Accordingly, the Examiner is respectfully requested to acknowledge consideration of the references identified on pages two through seven in that Information Disclosure Statement by initialing the PTO-1449 form and returning a copy of the initialed form to the undersigned. Additionally, the Applicants submit a supplemental Information Disclosure Form with the submission of this response. Applicants also respectfully request the consideration and acknowledgment of the supplemental Information Disclosure Statement.
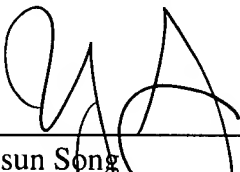
CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that this

application is now in condition for allowance. If the Examiner believes that prosecution and

allowance of the application will be expedited through an interview, whether personal or

telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to

the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is

hereby authorized to treat any current or future reply, requiring a petition for an extension of

time for its timely submission as incorporating a petition for extension of time for the appropriate

length of time. Applicants also authorize the Director to charge all required fees, fees under 37

C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No.

50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By: _____
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